

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 PAPA HULUWAZU,

Case No. 2:16-cv-00369-MMD-PAL

10 Plaintiff,

11 v.

ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE  
PEGGY A. LEEN

12 WILLIAM SNYDER, *et al*,

Defendants.

13  
14 Before the Court is the Report and Recommendation of United States Magistrate  
15 Judge Peggy A. Leen (ECF No. 5) ("R&R") relating to plaintiff's failure to comply with the  
16 court's order giving Plaintiff until April 10, 2017, to file an amended complaint. (ECF No.  
17 2.) Plaintiff was advised that a failure to do so would result in a recommendation to  
18 dismiss this action. As of this date, Plaintiff has not complied with the court's order, and  
19 Magistrate Judge Leen submitted her R&R on April 14, 2017, recommending dismissal.  
20 (ECF No. 5.) Plaintiff had until April 28, 2017, to object to the R&R. (*Id.*) To date, no  
21 objection to the R&R has been filed.

22 This Court "may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
24 timely objects to a magistrate judge's report and recommendation, then the court is  
25 required to "make a *de novo* determination of those portions of the [report and  
26 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails  
27 to object, however, the court is not required to conduct "any review at all . . . of any issue  
28 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
2 magistrate judge's report and recommendation where no objections have been filed. See  
3 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
4 of review employed by the district court when reviewing a report and recommendation to  
5 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
6 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
7 view that district courts are not required to review "any issue that is not the subject of an  
8 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
9 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
10 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
11 which no objection was filed).


12 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
13 determine whether to adopt Magistrate Judge Leen's R&R. Upon reviewing the R&R and  
14 records in this case, this Court finds good cause to adopt the Magistrate Judge's R&R in  
15 full.

16 It is therefore ordered, adjudged and decreed that the Report and  
17 Recommendation of Magistrate Judge Peggy A. Leen (ECF No. 5) is accepted and  
18 adopted in its entirety.

19 It is further ordered that Plaintiff's Complaint (ECF No. 3) is dismissed without  
20 prejudice.

21 It is further ordered that the Clerk of the Court close this case and enter judgment  
22 accordingly.

23 DATED THIS 4<sup>th</sup> day of May 2017.

24  
25   
26 \_\_\_\_\_  
27 MIRANDA M. DU  
28 UNITED STATES DISTRICT JUDGE